



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

TURNER v. SOUTH & WEST IMPROVEMENT CO. et al.

March 16, 1916.

[88 S. E. 85.]

1. **Easements (§ 18(2)*)—Creation—Way of Necessity.**—The right to a way of necessity attaches, if at all, on partition of the land creating the necessity.

[Ed. Note.—For other cases, see Easements, Cent. Dig. § 51; Dec. Dig. § 128(2).* 4 Va.-W. Va. Enc. Dig. 858.]

2. **Easements (§ 5*)—Creation—"Prescription."**—A way by prescription is acquired by exclusive, uninterrupted, continuous, and adverse use and enjoyment for 20 years, with the knowledge and acquiescence of the owner.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 13, 20-22, 26; Dec. Dig. § 5.* 4 Va.-W. Va. Enc. Dig. 862.

For other definitions, see Words and Phrases, First and Second Series, Prescription.]

3. **Easements (§ 1*)—Existence—Nature of Right.**—There can be no independent easement of way in the owner of the fee-simple estate.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 1, 2, 5-7; Dec. Dig. § 1.* 4 Va.-W. Va. Enc. Dig. 853.]

4. **Easements (§ 18(3)*)—Creation—Way of Necessity.**—There is no easement of way of necessity to land where there is already another mode of access, though much less convenient or more expensive to develop.

[Ed. Note.—For other cases, see Easements, Cent. Dig. § 53; Dec. Dig. § 18(3).* 4 Va.-W. Va. Enc. Dig. 856.]

5. **Easements (§ 36(1)*)—Creation—Evidence—Burden of Proof.**—The claimant of a right of way by prescription has the burden of proof of establishing it.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 77, 78, 88, 89; Dec. Dig. § 36(1).* 4 Va.-W. Va. Enc. Dig. 867.]

6. **Easements (§ 8(2, 3)*)—Creation—Prescription—Elements.**—Where the use of a way is permitted as a matter of favor, and not claimed as matter of right, no easement of way arises by prescription.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 24, 27-33; Dec. Dig. § 8(2, 3).* 4 Va.-W. Va. Enc. Dig. 862.]

Appeal from Circuit Court, King George County.

Suit by R. V. Turner against the South & West Improvement Company and others. From a decree dismissing the bill, plaintiff appeals. Affirmed.

W. A. Rose, of King George. *C. O'Connor Goolrick*, of Fredericksburg, and *T. L. Hunter*, of King George, for appellant.

Judge A. T. Embrey, of Fredericksburg, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.